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VALERIE M. CARTRIGHT

G. WILLIAM GERMANO, JR.

MARJORIE MESIDOR

VIA ECF

The Honorable Andrew J. Peck
United States Courthouse
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

BY FAX

MEMO ENDORSED
September 15, 2010
Approved. All other documents
remain unchanged.

SO ORDERED:

Hon. Andrew Jay Peck
United States Magistrate Judge

Re: Smith-Toussaint v. JPMorgan Chase, et al.
10-CV-01773 (LTS) (AJP)

Dear Magistrate Peck:

This office represents Plaintiffs, Lenworth Smith and Yves Toussaint, in the above referenced matter. In accordance with Your Honor's directives, this letter is being respectfully proffered by Plaintiffs to advise the Court regarding Plaintiff's position on consolidating the pending state court actions under Camulaire and Smith v. Chase, et al., Index Number 115454/2005 and Toussaint v. Chase, et al., Index Number 112511/2006 with the instant action.

Plaintiffs would like to fully explore the possibilities of Your Honor's suggestion to amend Plaintiffs' federal complaint and voluntarily dismiss the state actions as they relate to the common Plaintiffs. As such, Plaintiffs respectfully request an extension of time until October 8, 2010 to fully examine the issue. Since Plaintiffs are represented by other counsel in the state case and there is the matter of an additional Plaintiff, Ms. Nancy Camulaire, that exists in the state action that is absent from the instant case, more time is necessary to assure that Plaintiffs' rights are not compromised.

We thank the Court for its consideration of our request.

Respectfully Submitted,

MARJORIE MESIDOR

cc: Robert Whitman, Esq. (via ECF)
Michael Jannuzzi, Esq. (via First Class Mail)

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
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New York, N.Y. 10007-1312

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Dated: October 1, 2010

Total Number of Pages: 2

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TRANSCRIPTION:

MEMO ENDORSED 10/1/10

Approved. All other deadlines remain unchanged.

Copy to: Judge Laura Taylor Swain